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Immediate Release

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## **Environment Department Hearing Officer Issues Decision in Tyrone Closure Permit**

(Santa Fe, NM) -- The New Mexico Environment Department's (NMED) hearing officer has issued a decision on the Tyrone Mine closure permit. This decision comes after a public hearing and consideration of the opinions expressed by local citizens and mine representatives. The Tyrone Mine is owned and operated by Phelps Dodge Corporation. It encompasses approximately 9,000 acres near Silver City.

The hearing officer has ruled that Phelps Dodge must prevent further degradation of water quality at and surrounding the Tyrone mine after the mine closes by reshaping waste rock, tailing and leach ore stockpiles so that infiltration-limiting covers can be installed and erosion limited. In addition, the hearing officer ruled that the extensive ground water contamination now present beneath the Tyrone mine must be abated in accordance with state regulations by collecting and treating contaminated water at the site.

The groundwater beneath the Tyrone mine facility is below the acceptable pH range (too acidic) and exceeds standards for content of several metals including cadmium, chromium, cobalt, lead, copper, zinc, aluminum, iron, manganese and nickel. Mine wastes at the facility have the potential to continue to generate contamination for many decades after cessation of mining operations, unless properly closed.

The final permit also states that Phelps Dodge must provide financial assurance for the amount needed to cover closure activities. Financial assurance is designed to pay a third party to perform the closure activities outlined in the permit if the operator is unable to do so.

Upon reviewing the hearing officer's decision, NMED Secretary Ron Curry stated: "In this time of drought and diminished water supply it has become even more vital that water contamination be prevented and abated. This decision reaffirms NMED's statutory duty and regulatory authority to ensure that our water quality is protected for future use."

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“We are not shutting Tyrone down,” Secretary Curry continued. “We don’t decide when mines close, we only approve their plans for future closure to make sure that our water resources will be protected.”

NMED will incorporate the hearing officer’s decision and issue a final permit by April 7, 2003. Phelps Dodge has 30 days to appeal the hearing officer’s decision and the final permit. If the permit is appealed, the Water Quality Control Commission will be required to render a decision later this year.

For further information, contact Jon Goldstein, Communications Director, NMED at (505) 827-0314.

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